



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,475	11/30/2000	Perry L. Schwalb	15637/77842-00	1651

7590 09/09/2004

Keith M. Landry
Jones Walker
201 St. Charles Avenue, 50th Floor
New Orleans, LA 70170-5100

EXAMINER

FRENEL, VANEL

ART UNIT	PAPER NUMBER
----------	--------------

3626

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,475

Applicant(s)

SCHWALB ET AL.

Examiner

Vanel Frenel

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 01/31/01. Claims 1-31 are pending.

Claim Objections

2. Claim 30 is objected to under 37 CFR 1.75(c) as being in improper form because having its dependency on claims 17 and 29. See MPEP § 608.01(n). Examiner understands loading the image list created has been done in the system claim 17, not in claim 29. Therefore, Appropriate correction is required in the next correspondence.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 and 16-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koritzinsky et al (2001/0018659) in view of Evans (5,924,074).

(A) As per claim 1, Koritzinsky discloses an electronic method of improving the efficiency of a radiologist, comprising the steps of: providing a system that includes a computer and a plurality of monitors interfaced with the computer (Page 6, Paragraphs 0052-0053), each monitor for displaying an image (Page 3, Paragraphs 0031-0032);

Art Unit: 3626

using at least one of the monitors to simulate a radiology "light box" for displaying electronic radiology images (Page 3, Paragraphs 0031-0032).

Koritzinsky does not explicitly disclose c) using at least one of the monitors to simulate a digital graphical representation of a patient's master folder; d) using a hyperlink to open the folder displayed in step "c" to display information contained in the folder; and e) using a hyperlink that accesses the folder to display a radiology image.

However, these features are known in the art, as evidenced by Evans. In particular, Evans suggests at least one of the monitors to simulate a digital graphical representation of a patient's master folder (Col.6, lines 37-67 to Col.7, line 40); d) using a hyperlink to open the folder displayed in step "c" to display information contained in the folder (Col.12, lines 23-67 to Col.13, line 30); and e) using a hyperlink that accesses the folder to display a radiology image (Col.12, lines 23-67 to Col.13, line 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Evans within the system of Koritzinsky with the motivation of using electronic medical records system having a patient data repository and accessing the patient data for use in the care of a patient (See Evans, Col.3, lines 17-23).

(B) As per claim 2, Evans discloses the method wherein in step "d" a voice activated command is used to open the patient's master folder (Col.8, lines 61-67 to Col.9, line 36).

Art Unit: 3626

(C) As per claim 3, Evans discloses the method wherein in step "d" a trackball device is used to open the patient's master folder (Col.7, lines 5-40).

(D) As per claim 4, Evans discloses the method further comprising the step of providing a combination dictation and trackball device, and wherein in step d a user can selectively use either a voice activated command or a trackball to open the patient's master folder (Col.8, lines 61-67 to Col.9, line 37 and Fig.14).

(E) As per claim 5, Koritzinsky discloses the method further comprising the step of using the computer to interface the monitors and the hyperlink (Page 6, Paragraphs 0053- 0055).

(F) As per claim 6, Evans discloses the method further comprising the step of using the computer to interface the monitors and the combination dictation and trackball device (Col.8, lines 61-67 to Col.9, line 37 and Fig.14).

(G) As per claim 7, Koritzinsky discloses the method wherein there are two monitors in step "c" that are used to display electronic radiology images (Page 3, Paragraphs 0031-0032).

Art Unit: 3626

(H) As per claim 8, Koritzinsky discloses the method wherein the monitor in step "c" that is used to display electronic radiology images is a high resolution monitor (Page 3, Paragraphs 0031-0032).

(I) As per claim 9, Koritzinsky discloses the method wherein the monitors in step "c" that are used to display electronic radiology images is a high resolution monitor (Page 3, Paragraphs 0031-0032).

(J) As per claim 10, Koritzinsky discloses the method wherein in step "b" the image viewed is an ultrasound image (Page 3, Paragraphs 0031-0032).

(K) As per claim 11, Koritzinsky discloses the method wherein in step "b" the image viewed is a magnetic resonance image (Page 3, Paragraphs 0031-0032).

(L) As per claim 12, Koritzinsky discloses the method wherein in step "b" the image viewed is a computer tomography image (Page 3, Paragraphs 0031-0032).

(M) As per claim 13, Koritzinsky discloses the method wherein in step "b" the image viewed is a computer radiology image (Page 3, Paragraphs 0031-0032).

(N) As per claim 14, Koritzinsky discloses the method of claim 1 wherein in step "b" the image viewed is a nuclear medicine image (Page 1, Paragraph 0003).

Art Unit: 3626

(O) As per claim 16, Koritzinsky discloses means for transmitting and receiving the information between computers connected to a computer network via extensible markup language (XML), HTTP, TCP/IP (See Koritzinsky, Page 4; Paragraphs 0039-0042); and c) means for searching for a plurality of user specified types of information contained in the information database (See Koritzinsky, Page 4; Paragraphs 0039-0042).

Koritzinsky does not explicitly disclose an apparatus to access, store, and distribute electronic radiology information including patient demographics, radiology procedures, radiology reports and radiology images comprising: a) an information data base including patient demographics, radiology identification number, procedures, images, reports, orders and appointments.

However, these features are known in the art, as evidenced by Evans. In particular, Evans suggests an apparatus to access, store, and distribute electronic radiology information including patient demographics, radiology procedures, radiology reports and radiology images comprising: a) an information data base including patient demographics, radiology identification number, procedures, images, reports, orders and appointments (Col.1, lines 31-42; Col.10, lines 18-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Evans within the system of Koritzinsky with the motivation of using electronic medical records system having a patient data repository and accessing the patient data for use in the care of a patient (See Evans, Col.3, lines 17-23).

(P) As per claim 17, Koritzinsky discloses a multi-monitor radiology image viewing system comprising: a plurality of monitors (See Koritzinsky, Page 6, Paragraphs 0052-0053); d) said viewing portal consisting of at least two monitors designed for the viewing of a plurality of radiology images including computer radiology, computer tomography, ultrasound, nuclear medicine, and magnetic resonance images (See Koritzinsky, Page 1, Paragraphs 0003-0005).

Koritzinsky does not explicitly disclose b) a combination dictation and trackball device that provides a hyperlink for the viewing of the patients information and medical images on separate monitors comprising: a radiology portal that includes a monitor and a computer for the searching and that includes viewing medical information; and said combination dictation and trackball device including a voice component that issues operational and navigational commands to the radiology portal and viewing portal by providing continuous speech recognition for the creation of dictated radiology reports.

However, these features are known in the art, as evidenced by Evans. In particular, Evans suggests a combination dictation and trackball device that provides a hyperlink for the viewing of the patients information and medical images on separate monitors comprising: a radiology portal that includes a monitor and a computer for the searching and that includes viewing medical information (See Evans, Fig.14; Col.8, lines 29-67 to Col.9, line 37); and said combination dictation and trackball device including a voice component that issues operational and navigational commands to the radiology portal and viewing portal by providing continuous speech recognition for the

Art Unit: 3626

creation of dictated radiology reports (See Evans, Fig.14; Col.8, lines 29-67 to Col.9, line 37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Evans within the system of Koritzinsky with the motivation of using electronic medical records system having a patient data repository and accessing the patient data for use in the care of a patient (See Evans, Col.3, lines 17-23).

(Q) As per claim 18, Koritzinsky discloses the system wherein the radiology portal consists of a flat panel monitor and computer for the searching and viewing of medical information stored internal and external to the system (Page 3, Paragraph 0035; Page 4, Paragraph 0038).

(R) As per claim 19, Koritzinsky discloses the system wherein the radiology portal consists of a touch screen flat panel monitor and computer for searching and viewing of medical information stored internal and external to the system (Page 3, Paragraph 0035; Page 4, Paragraph 0038).

(S) As per claim 20, Koritzinsky discloses the system wherein the radiology portal consists of a flat panel monitor and computer with multi-processors for searching and viewing of medical information stored internal and external to the system (Page 3, Paragraph 0035; Page 4, Paragraph 0038).

(T) As per claim 21, Koritzinsky discloses the system wherein the radiology portal consists of a touch screen flat panel monitor and computer with multi processors for searching and viewing of medical information stored internal and external to the system (Page 3, Paragraph 0035; Page 4, Paragraph 0038).

(U) As per claim 22, Koritzinsky discloses the system wherein the viewing portal consists of a single high-resolution monitors design for the viewing of a plurality of radiology images including computer radiology, computer tomography, ultrasound, nuclear medicine, and magnetic resonance images (Page 3, Paragraphs 0031-0032).

(V) As per claim 23, Koritzinsky discloses the system wherein the viewing portal consists of a single high-resolution computer monitor (Page 6, Paragraph 0052-0053).

(W) As per claim 24, Koritzinsky discloses the system wherein the viewing portal consists of two high-resolution computer monitors (Page 6, Paragraph 0052-0053).

(X) As per claim 25, Koritzinsky discloses the system wherein the viewing portal consists of a four high-resolution monitors design for the viewing of a plurality of radiology images including computer radiology, computer-tomography, ultrasound, nuclear medicine, and magnetic resonance images (Page 3, Paragraphs 0031-0032).

Art Unit: 3626

(Y) As per claim 26, Koritzinsky discloses the system wherein the viewing portal includes six high-resolution monitors for the viewing of a plurality of radiology images including computer radiology, computer tomography, ultrasound, nuclear medicine, and magnetic resonance images (Page 3, Paragraph 0033; Page 4, Paragraph 0038).

(Z) As per claim 27, Koritzinsky discloses the system wherein the viewing portal consists of eight high-resolution monitors design for the viewing of a plurality of radiology images including computer radiology, computer tomography, ultrasound, nuclear medicine, and magnetic resonance images (Page 6, Paragraph 0052-0053).

(AA) As per claim 28, Evans discloses the system wherein the combination dictation and trackball device includes a separate mouse and microphone (Col.8, lines 61-67 to Col.9, line 37 and Fig.14).

(BB) As per claim 29, Evans discloses a method for loading images from a current radiology procedure and specific order images from prior radiology procedures in a user specified order into a user interface that includes a computer and computer monitors comprising: a) receiving and loading patient information into computer memory (See Evans (Col.8, lines 29-60); b) comparing the information of step "a" to display requirements contained in a user profile in order to determine the order in which images from the current procedure are displayed and the order in which selected images from selected prior procedures are displayed, and creating a list of images to display (See

Art Unit: 3626

Fig.19, Col.12, lines 1-54); determining which images on the list already exist in the image cache of the system of claim 17 (Col.9, lines 1-37); and d) downloading all images that do not exist in the image cache of the system of claim 17 (Col.9, lines 38-67 to Col.10, line 17).

(CC) As per claim 30, Koritzinsky discloses a method for displaying images from a current radiology procedure and specific images from prior radiology procedures in a user specified order into the system of claim 17 comprising: a) loading the image list created in the method of claim 29 into the viewing portal and digital roto viewer (Page6, Paragraphs 0052-0053; b) resizing the images to fit correctly into the digital roto viewer's frames (Page 3, Paragraphs 0033-0035); displaying a roto viewer containing all of the images in the correct order on the first high-resolution monitor (Page 4, Paragraphs 0039-0041); and d) display the digital roto viewer's first frame in the viewer portal's light-box (Page 8, Paragraphs 0063).

(DD) As per claim 31, Evans discloses a method of dictating a radiology procedure's diagnosis into the system of claim 17 comprising: a) issuing a command to dictate a report in the viewer portal (See Evans, Col.9, lines 1-37); sending a command to the radiology portal which displays the dictated text of the report (Fig. 14; Col.8, lines 67 to Col.9, line 14); loading the patient demographic and procedure information into the appropriate sections of the new window (Col.6, lines 37-67 to Col.7, line 5); d) digitally recording the voice input (Col.9, lines 1-37); converting the voice input into text via

Art Unit: 3626

continuous speech recognition (Col.8, line 67 to Col.9, lines 1-37); f) displaying the text in a section of new window in the radiology viewer (Col.6, lines 37-67 to Col.7, line 5); g) issuing a command to digitally sign the report in the viewer portal via the dictaphone /trackball, sending a command to the radiology viewer to generate and sign the report (Col.8, line 67 to Col.9, lines 1-37); generating and digitally signing the report in the radiology viewer (Col.7, lines 6-39); and i) inserting the report into the system of claim 17 (Col.7, lines 6-39).

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (5,924,074) in view of Roewer (5,734,915).

(A) As per claim 15, Evans discloses b) displaying an image of a radiology master folder on an area of a computer display (See Evans Col.12, lines 23-67 to Col.13, line 30); generating data fields associated with a digital master folder on the image of a master folder including patient's name, medical record number, date of birth, sex, and information regarding all procedures including date, type of procedure, report, and radiologist (See Evans, Col.6, lines 10-54); d) displaying information associated with the patient from computer memory in a data field on the computer display (See Evans, Col.6, lines 10-67 to Col.7, line 40); associating links viewing of additional information or images when clicked (See Evans, Col.6, lines 10-67 to Col.7, line 40); clicking on the report field, displays a new window that contains the text of the report and a link to the digitally recorded dictation of the report, that when clicked will play the recording (See Evans, Col.6, lines 10-67 to Col.7, line 40; Col.8, lines 61-67 to Col.9, line 37); g)

Art Unit: 3626

placing a cursor over the report field on the digital master folder, to display summary information of the report (Col.7, lines 20-64); h) clicking on the procedure field to send a command to a viewing portal to load all of the procedures and images that meet the criteria of the radiologist's file (Col.7, lines 20-64); i) generating a searchable and selectable list of patients that have procedures assigned to the radiologist on the computer display (Col.8, lines 29-67 to Col.9, line 37); and j) providing commands that navigate through the stack of master folders, displaying information associated with a new patient in a data field on the computer display from computer memory (Col.12, lines 56-67 to Col.13, line 30).

Evans does not explicitly disclose a method for reviewing electronic radiology information including patient demographics, radiology procedures, radiology reports and radiology images, comprising the steps of: a) loading the radiology information associated with a selected group of patients that are assigned to a selected radiologist into a computer memory.

However, these features are known in the art, as evidenced by Roewer. In particular, Roewer suggests a method for reviewing electronic radiology information including patient demographics, radiology procedures, radiology reports and radiology images, comprising the steps of: a) loading the radiology information associated with a selected group of patients that are assigned to a selected radiologist into a computer memory (See Roewer, Col.19, lines 1-61; Col.20, lines 1-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Evans within the system of Roewer with the

Art Unit: 3626

motivation for providing hospital technologists, radiologists, attending or consulting physicians typically focus on the tasks of accessing, viewing, displaying, and printing medical imagery. Operators select a patient's images to compose and study for medical diagnosis. Operators select imagery and may choose to print, store or edit and annotate the imagery. Thus a simple and fast interface is needed to help increase speed, provide for an efficient work, and facilitate use by the non-computer literate operators (See Roewer, Col.4, lines 22-30).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches electronic clinical recording system (6,272,470) and media recording device with packet data interface (6,640,145).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

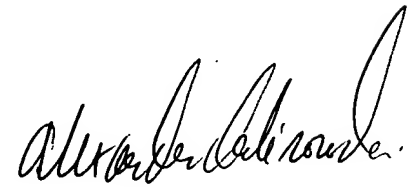
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F
V.F

September 02, 2004



ALEXANDER KALINOWSKI
PRIMARY EXAMINER